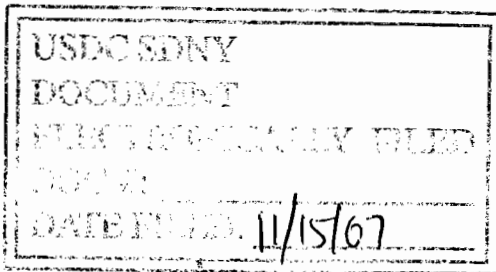


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November 12, 2007

Via E-mail

The Honorable Alvin K. Hellerstein  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1050  
New York, New York 10007-1312

Re: *In re World Trade Center Disaster Site Litigation*, 21 MC 100 (AKH)  
*Walcott v. WTC Captive Insurance Co., Inc., et al.*, 07-CV-7072 (AKH)

Dear Judge Hellerstein:

Enclosed, you will find a copy of an article published Sunday morning in the New York Post, regarding the very papers that Michael O. Adelman and I wrote about last week, *i.e.*, the papers obtained by the reporter from an apparent whistle-blower at GAB Robins, the third-party claims administrator for the WTC Captive Insurance Co., Inc.

As a result of the article, it is now clear that these papers are, at least in part, proof of the very claims made in the *Walcott* matter. A Captive spokesperson is quoted in the article defending the bills for \$1300 dinners and luxury hotel accommodations, saying that "it is perfectly appropriate for the WTC Captive to reimburse its outside counsel for expenses, including dinner meetings incurred for a legitimate business purpose." Edelman, Susan, "WTC \$wine Dining," New York Post, Sunday, November 11, 2007, at p. 2. The article quoted Congressman Jerrold Nadler as saying:

The captive fund was never meant to serve as an open-ended expense account for well-paid lawyers... every dime wasted is money that could, and should, have gone to those who continue to suffer because of their exposure at Ground Zero. *Id.*

*We couldn't agree more.*

In light of the media's publication of the papers obtained from GAB (or any other source), plaintiffs must be given free access to these papers, and to all other bills and invoices proffered by defense counsel to the Captive or its third party administrator, as well as the records relating to the expenses paid by the defendants for all similar expenses. The discovery goes

*mutual defense*  
*The reasonableness of back*  
*charge, if any deduction from*  
*the FEMA guaranty can be*  
*addressed at a later time.*  
*11-14-07*  
*Alvin K. Hellerstein*

The Hon. Alvin K. Hellerstein

Re: In re World Trade Center Disaster Site Litigation, 21 MC 100 (AKH)

Walcott v. WTC Captive Insurance Co., Inc., et al., 07-CV-7072 (AKH)

November 11, 2007, page 2

directly to the heart of the issues raised in the *Walcott* action, and any claim of privilege should be denied by this Court.

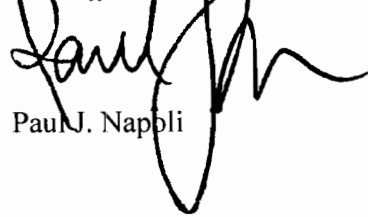
We ask that this Court include the release of these papers and related issues in the Court's agenda for the November 16, 2007 discovery conference.

As always, we stand available to address the foregoing with this Court by telephone or face-to-face conference, at the Court's convenience.

Respectfully submitted,

WORBY GRONER & NAPOLI BERN, LLP

*Plaintiffs' Co-Liaison Counsel*

A handwritten signature in black ink, appearing to read 'Paul J. Napoli', with a large, stylized flourish extending from the end of the signature.

Paul J. Napoli

cc: *via e-mail* James Tyrrell, Esq.  
Richard Williamson, Esq.  
Michael O. Adelman, Esq.

New York Post, Sunday, November 11, 2007

nypost.com

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# WTC \$wine dining

## Honchos bill heroes' fund for pricey meals

**Tragic cop told of 9/11 landfill toil**

### EXCLUSIVE

By SUSAN EDELMAN

Lawyers and executives for the \$1 billion World Trade Center insurance fund — who've already spent more than \$100 million in overhead and legal fees — are also winning and dining with money meant for sick 9/11 responders, records show.

Invoices obtained by The Post show that high-paid lawyers and employees of the WTC Captive Insurance Co., a nonprofit governed by Mayor Bloomberg appointees, have tapped the federal fund for cocktails and gourmet dinners.

After a court hearing in Manhattan last year, when the city argued unsuccessfully to dismiss all claims by 9/11 responders, a top lawyer for the fund filed an expense report totaling \$1,390 for "drinks and dinner."

The June 23, 2006, tab submitted by Margaret Warner of the Washington, D.C., firm McDermott, Will & Emery included \$138 for "cocktails" for six at Sir Harry's, a plush bar inside

Receipts show lawyers and employees of the WTC Captive Insurance Co., a nonprofit governed by Mayor Bloomberg appointees, have tapped the fund by filing expenses for cocktails at Sir Harry's bar in the Waldorf-Astoria hotel and dinners, including one at Giovanni Ristoranti in Midtown.

EXPENDITURE: Sir Harry's The Waldorf Astoria New York City	
Meal-Cocktails	\$138.23
Meal-Dinner	\$1,252.24
EXPENDITURE: Giovanni Ristorante New York, NY	
STAFF OF BUSINESS: WTC Captive Insurance	

the Waldorf-Astoria hotel. The dimly lit lounge, decorated with antique oil paintings, serves \$8 Budweisers and highballs for \$12 and up.

Warner billed another \$342 to spend the night at the luxe Park Avenue hotel.

After Sir Harry's, she and seven others ran up a \$1,250 bill for "food and beverage" at Giovanni Ristoranti on West 55th Street, which boasts two Michelin stars. The cheapest bottle of wine goes for \$50, and the northern-Italian cuisine features entrees like veal chop Milanese (\$38.75).

Besides Warner — who bills the fund \$583 an hour — the diners included James Tyrrell, the city's lead defense lawyer, two colleagues from his firm, Patton Boggs, and WTC Captive CEO James Schoenbeck and general counsel David Bister.

Warner's firm billed a total of \$1,543 for "business meals" in August 2006, including the June feast.

The WTC captive fund manages \$1 billion in 9/11 federal aid awarded by Congress to cover claims from the Ground Zero cleanup and protect the

city's coffers from huge liability.

A spokesman, Caroline Gentile, defended the meals: "It is perfectly appropriate for the WTC Captive to reimburse its outside counsel for expenses, including dinner meetings incurred for a legitimate business purpose."

Warner's representative said she billed for the June 23 drinks "in error." Warner said she will reimburse the captive and look for other such errors.

Gentile said the captive will review other meal bills.

Democratic Rep. Jerrold Nadler was appalled by the fancy food and booze.

"The captive fund was never meant to serve as an open-ended expense account for well-paid lawyers," he told The Post. "Every dime wasted is money that could, and should, have gone to those who continue to suffer because of their exposure at Ground Zero."

A 9/11 responder agreed. "They're having lobster tail and champagne while I'm scheduled for another surgery," said retired NYPD Detective John Walcott, 42, who has fought leukemia.

The fund's financial reports through Sept. 30 show it has churned through more than \$100 million in administrative and legal fees since 2004. Because of interest earned, the fund still has \$15 million more than when it started, Gentile said.

It has paid out \$320,000 to six workers with "orthopedic injuries." Most of the 8,600 other claims cite respiratory and toxic injuries.

Additional reporting by Susanah Cadham  
susan.edelman@nypost.com

By SUSAN EDELMAN  
He was handed a rake and told to start digging.

In an interview several months before his death last week, NYPD Sgt. Michael Ryan recalled his chilling first assignment at the Fresh Kills landfill on Sept. 13, 2001.

"We drove our cars right up to the landfill. We didn't know then, nobody knew, that they were dumping truckloads of debris from the World Trade Center," he told The Post.

"There were no contamination suits, no masks. I was just handed a rake and told, 'There's your pile, see what you can find.' That first day we found personal effects, credit cards and some small body parts."

Ryan said sifted for remains for more than 80 hours at the Staten Island dump during 12-hour shifts over the next six months.

The 20-year NYPD veteran and father of four died at age 41 last Monday of non-Hodgkin's lymphoma — one of the blood-cell cancers that Dr. Robin Herbert of the WTC Medical Monitoring Program warned in May could be the "third wave" of illness caused by toxic exposure at Ground Zero.

The Queens warrants cop and youth-football coach had battled his cancer since May 2006, when he found the first of several malignant lumps.